IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 8093 of 2004(L)

PETITIONERS:

1. **KERALA ENGINEERING DIPLOMA HOLDERS ASSOCIATION, REPRESENTED BY ITS GENERAL SECRETARY, N.S.RADHAKRISHNAN, P.B.NO.5416, VELLAYAMBALAM, THIRUVANANTHAPURAM.**

2. **P.A.JACOB, ASSISTANT ENGINEER, P.W.D. ROAD SECTION, SANTHANPARA, IDUKKI DISTRICT.**

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.K.K.RAJEEV
SRI.M.R.JAYAPRASAD

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, GOVT. OF KERALA, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE ADDITIONAL CHIEF SECRETARY TO GOVT., PULIC WORKS (B) DEPARTMENT, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.**

3. **THE CHIEF ENGINEER, P.W.D. ADMINISTRATION, THIRUVANANTHAPURAM.**

4. **K.GOPALAKRISHNAN, ASSISTANT EXECUTIVE ENGINEER, N.H. BYE PASS SUB DIVISION, CALICUT.**

...2/-

WPC.NO.8093/2004

*ADDL.R5 IS IMPLEADED:

R5. T.P.BENNY, ASST.ENGINEER,
ROADS SECTION,
PUBLIC WORKS DEPARTMENT,
TRIPUNITHURA.

(*ADDL.R5 IS IMPLEADED AS PER ORDER DTD. 10/06/2004 IN I.A.NO.6960/2004)

**ADDL.R6,R7 & R8 ARE IMPLEADED:

R6. K.C.JOSE,
ASSISTANT EXECUTIVE ENGINEER AND GENERAL SECRETARY,
P.W.D. GRADUATE ENGINEERS ASSOCIATION,
KANDAPPALLIL HOUSE, ELAMKULAM, KOCHI – 17.

(**ADDL.R6 IS IMPLEADED AS EPR ORDER DTD. 23/07/2004 IN I.A.NO.9308/2004)

R7. P.K.BABU,
ASSISTANT ENGINEER,
P.W.D. ROADS SECTION,
NARAKKAL, ERNAKULAM.

R8. A.SALEENA,
ASSISTANT ENGINEER,
ROADS SECTION, TRIPUNITHURA.

(**ADDL.R7 & R8 ARE IMPLEADED AS PER ORDER DTD. 23/07/2004 IN IA.NO.9744/2004)

BY ADV. SRI.KKM.SHERIF for Addl.R5
SRI.A.A.ZIYAD RAHMAN
SRI.G.SASIDHARAN CHEMPAZHANTHIYIL for Addl.R6
SRI.S.VISHNU
SRI.PEARLY JOSE for Addl.R7 & R8
SMT.I.SHEELA DEVI
SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR
SRI.V.VARGHESE
SRI.C.K.KARUNAKARAN, SC, KSEB
BY GOVERNMENT PLEADER SRI. V.T.K.MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.8093/2004 L

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF GOVT.ORDER G.O.(MS) NO.86/94/PW& T DTD. 3/10/1994.**

EXT.P2: **COPY OF G.O.(MS) NO.43/96/PW&T DTD. 9/02/1996.**

EXT.P3: **COPY OF ORDER DTD. 27/10/03 IN SLP.NO.19150/03 OF THE HON'BLE SUPREME COURT OF INDIA.**

EXT.P4: **COPY OF GOVT.ORDER DTD. 7/10/2003.**

EXT.P5: **COPY OF JUDGMENT DTD. 18/11/2003 IN WP(C) NO.36354/03.**

EXT.P6: **COPY OF ORDER NO.23833/B3/03/PWD DTD. 11/02/2004 ISSUED BY THE 2ND RESPONDENT.**

5TH RESPONDENT'S EXHIBITS:

EXT.R5(A): **COPY OF THE JUDGMENT IN A BATCH OF CASES INCLUDING W.A.NO.169/1997 BY A DIVISION BENCH OF THIS HON'BLE COURT DTD. 10/04/1997/1/08/1997.**

EXT.R5(B): **COPY OF THE ORDER IN SLP © NO.9727/1997 DTD. 19/09/1997 OF THE HON'BLE SUPREME COURT OF INDIA.**

/TRUE COPY/

P.A.TO JUDGE

KSS

KURIAN JOSEPH J.

W.P.(C) No.8093 of 2004

Dated 17th August, 2007.

J U D G M E N T

Challenge is on Ext.P1 order in the matter of promotion of Diploma holders as Assistant Executive Engineers. The matter is covered against the petitioners by the judgment of this Court in W.A.No.169/97 as confirmed by the Supreme Court in S.L.P.(C) No.9727/97. The writ petition is hence dismissed.

KURIAN JOSEPH, JUDGE.

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